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Assigned to: Judiciary

Committee Report: Favorable
House action: Adopted
Read second time: March 5, 2002

CHAPTER _____

1 AN ACT concerning

2 **Juvenile Causes - Facilities Used for Detention - Accommodation of**
3 **Children Awaiting Placement After Disposition**

4 FOR the purpose of prohibiting a child from being accommodated in a facility used for
5 detention for more than a certain period of time after the court has made a
6 disposition on a certain petition except under certain circumstances; authorizing
7 the court to order that a child be accommodated in a facility used for detention
8 for a specified period of time under certain circumstances; authorizing the court
9 to extend the period of time for which a certain child may be accommodated in a
10 facility used for detention; requiring the Department of Juvenile Justice to make
11 a certain report; and generally relating to the accommodation of a child in a
12 facility used for detention after disposition.

13 BY repealing and reenacting, without amendments,
14 Article - Courts and Judicial Proceedings
15 Section 3-8A-01(l)
16 Annotated Code of Maryland
17 (1998 Replacement Volume and 2001 Supplement)

18 BY adding to
19 Article - Courts and Judicial Proceedings

1 Section 3-8A-15(k)
2 Annotated Code of Maryland
3 (1998 Replacement Volume and 2001 Supplement)

4 BY repealing and reenacting, with amendments,
5 Article - Courts and Judicial Proceedings
6 Section 3-8A-19(d)
7 Annotated Code of Maryland
8 (1998 Replacement Volume and 2001 Supplement)

9 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
10 MARYLAND, That the Laws of Maryland read as follows:

11 **Article - Courts and Judicial Proceedings**

12 3-8A-01.

13 (l) "Detention" means the temporary care of children who, pending court
14 disposition, require secure custody for the protection of themselves or the community,
15 in physically restricting facilities.

16 3-8A-15.

17 (K) (1) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS
18 SUBSECTION, A CHILD MAY NOT BE ACCOMMODATED IN A FACILITY USED FOR
19 DETENTION FOR THE SPECIFIC ACT FOR WHICH THE CHILD HAS BEEN ADJUDICATED
20 DELINQUENT FOR MORE THAN 15 DAYS AFTER THE COURT MAKES A DISPOSITION ON
21 A PETITION UNDER § 3-8A-19 OF THIS SUBTITLE.

22 (2) THE COURT MAY ORDER THAT A CHILD BE ACCOMMODATED IN A
23 FACILITY USED FOR DETENTION FOR THE SPECIFIC ACT FOR WHICH THE CHILD HAS
24 BEEN ADJUDICATED DELINQUENT FOR A SPECIFIED PERIOD OF TIME NOT TO
25 EXCEED 45 DAYS FROM THE DATE OF DISPOSITION UPON A FINDING THAT
26 ACCOMMODATION IN THE FACILITY IS NECESSARY FOR THE APPROPRIATE
27 PLACEMENT OF THE CHILD.

28 (3) THE COURT MAY EXTEND THE PERIOD OF TIME SPECIFIED IN
29 PARAGRAPH (2) OF THIS SUBSECTION IN INCREMENTS OF NOT MORE THAN 30 DAYS
30 FOR A CHILD FOR WHOM THE DISPOSITION IS PLACEMENT IN A SECURE FACILITY.

31 3-8A-19.

32 (d) (1) In making a disposition on a petition under this subtitle, the court
33 may:

34 (i) Place the child on probation or under supervision in his own
35 home or in the custody or under the guardianship of a relative or other fit person,
36 upon terms the court deems appropriate;

1 (ii) Subject to the provisions of paragraph (2) of this subsection,
2 commit the child to the custody or under the guardianship of the Department of
3 Juvenile Justice, the Department of Health and Mental Hygiene, or a public or
4 licensed private agency on terms that the court considers appropriate to meet the
5 priorities set forth in § 3-8A-02 of this subtitle, including designation of the type of
6 facility where the child is to be accommodated, until custody or guardianship is
7 terminated with approval of the court or as required under § 3-8A-24 of this subtitle;
8 or

9 (iii) Order the child, parents, guardian, or custodian of the child to
10 participate in rehabilitative services that are in the best interest of the child and the
11 family.

12 (2) A child committed under paragraph (1)(ii) of this subsection may not:

13 (I) [be] BE accommodated in a facility that has reached budgeted
14 capacity if a bed is available in another comparable facility in the State, unless the
15 placement to the facility that has reached budgeted capacity has been recommended
16 by the Department of Juvenile Justice; OR

17 (II) EXCEPT AS PROVIDED IN § 3-8A-15(K) OF THIS SUBTITLE, BE
18 ACCOMMODATED IN A FACILITY USED FOR DETENTION.

19 (3) The court shall consider any oral address made in accordance with §
20 11-403 of the Criminal Procedure Article or any victim impact statement, as
21 described in § 11-402 of the Criminal Procedure Article, in determining an
22 appropriate disposition on a petition.

23 SECTION 2. AND BE IT FURTHER ENACTED, That the Department of
24 Juvenile Justice shall report to the General Assembly on or before July 1, 2003, in
25 accordance with § 2-1246 of the State Government Article, on the implementation of
26 this Act.

27 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2002.